

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

NICHOLAS R. SMITH,

Plaintiff,

v.

**KILOLO KIJAKAZI,
Acting Commissioner of Social Security,**

Defendant.

Civil Action No. 2:23-cv-00081-AWA-LRL

ORDER

Upon consideration of the Joint Stipulation filed by the parties, it is hereby:

ORDERED that pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, Plaintiff Nicholas R. Smith, shall be awarded Six Thousand Four Hundred Twenty-One Dollars and 75/100 Cents (\$6,421.75) in attorney fees, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”). Full or partial remittance of the award will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt to the Government. *See Astrue v. Ratliff*, 560 U.S. 586 (2010).

After the Court approves the stipulated amount of the EAJA award to Plaintiff, Defendant will determine whether Plaintiff has any outstanding federal debt to be offset from the award, and remit funds as follows:

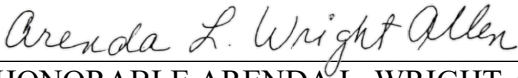
1. If Plaintiff has no outstanding federal debt, then Defendant will honor Plaintiff’s assignment of the EAJA award to counsel and make the check payable to Plaintiff’s counsel.
2. If, however, Plaintiff has outstanding federal debt, then the amount of the award payable to Plaintiff will be the balance of stipulated attorney fees remaining after

subtracting the amount of Plaintiff's outstanding federal debt. Defendant will make the check payable to Plaintiff directly and deliver the check to the business address of Plaintiff's counsel, John O. Goss, Olinsky Law Group, 250 South Clinton Street, Suite 210, Syracuse, NY 13202.

3. If Plaintiff's outstanding federal debt equals or exceeds the amount of the EAJA award under this Stipulation, then the stipulated amount will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of EAJA.

ENTERED this 30th day of November, 2023.



THE HONORABLE ARENDA L. WRIGHT ALLEN
UNITED STATES DISTRICT JUDGE